

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHERYL GIBBS,

Plaintiff,

v.

VERIZON,

Defendant.

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Civil Action No. 07cv9851 (GBD)

**NOTICE OF MOTION OF DEFENDANT FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Marc A. Schoenecker, sworn to May 29, 2008, and the exhibits annexed thereto, and the accompanying memorandum of law, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, before the Hon. George B. Daniels, United States District Judge, in Courtroom 15D of the United States Courthouse, 500 Pearl Street, New York, New York 10007-1581, on a date designated by the Court, for an order (i) granting summary judgment and dismissing the Complaint herein with prejudice, pursuant to Federal Rules of Civil Procedure 56 and (ii) for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in accordance with the briefing schedule agreed to by the parties, as modified by the Court's May 19, 2008 order, Plaintiff's Response and Opposition papers regarding this motion are due on or before July 1, 2008, with Defendant's Reply, if any, due on or before July 20, 2008.

Dated: New York, New York  
May 30, 2008

Respectfully submitted,

s/ Eve I. Klein  
Eve I. Klein  
Duane Morris LLP  
1540 Broadway  
New York, NY 10036  
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*Of Counsel:*  
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(215) 979-1855

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of May, 2008 a true and correct copy of the Notice of Motion of Defendant for Summary Judgment was served upon Plaintiff Cheryl Gibbs at the following address by first-class mail, postage prepaid:

Cheryl Gibbs  
594 Union Avenue, Apt. #2D  
Bronx, NY 10455

s/ Eve I. Klein